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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/621,493	07/17/2003	Richard J. Moss		2625

7590 07/30/2004

John W. Chestnut
GREER, BURNS & CRAIN, LTD.
Suite 2500
300 South Wacker Drive
Chicago, IL 60606

EXAMINER

EDWARDS, LAURA ESTELLE

ART UNIT	PAPER NUMBER
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1734

DATE MAILED: 07/30/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/621,493	Applicant(s) MOSS ET AL.	
	Examiner Laura E. Edwards	Art Unit 1734	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1,3,5-9 and 11-13 is/are rejected.
- 7) ☒ Claim(s) 2-14 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 May 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>011204</u> . | 6) <input type="checkbox"/> Other: ____ |

Claim Objections

Claims 3-9 and 11-13 are objected to because of the following informalities: in each of these claims, "incli" should be changed to --inches--. Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Lippert (US 5,067,432).

Lippert teaches a slot die type applicator comprising a die plate (30) having connected thereto a die lip defining a die plate as substantially claimed including a top portion (32), a bottom portion having a bottom surface (74), a pair of side surfaces (not numbered), an upstream face which extends generally downwardly to the bottom surface for directing adhesive coating (see col. 1, line 40) to the bottom surface, and a downstream face, the bottom surface extending from the upstream face beyond the downstream face and being adapted to spread adhesive on a web below the bottom surface, said bottom portion having a narrow wedge-shaped portion (62) which extends in a downstream direction from said downstream face and which is defined by said bottom surface and by an upper surface which extends from said downstream face.

Applicants' recitation in the preamble of intended use of the plate with a core making machine

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has been given no structural weight because the core making machine is not a part of the claimed invention and such a limitation is process limiting not structurally limiting.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 3, 5, 6, 7, 8, 9, 11, 12, and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lippert (US 5,067,432).

The teachings of Lippert have been mentioned above but Lippert is silent concerning dimensions of the length of the wedge or its thickness. However, it would have been obvious to one of ordinary skill in the art to determine via routine experimentation the appropriate length, thickness, even width of the wedge so as to minimize costs yet prevent streaking.

Allowable Subject Matter

Claims 2, 4, 10, and 14 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claim 2 would be allowable because there is no teaching or suggestion in the prior art of an applicator plate for an adhesive applicator apparatus for a core-making machine which applies adhesive to a web which moves from an upstream direction to a downstream direction, the applicator plate comprising the combination of a top portion, a bottom portion having a bottom surface, a pair of side surfaces, an upstream face which extends generally downwardly to the bottom surface for directing adhesive to the bottom surface, and a downstream face, the bottom surface extending from the upstream face beyond the downstream face and being adapted to spread adhesive on a web below the bottom surface, said bottom portion having a narrow wedge-shaped portion which extends in a downstream direction from said downstream face and which is defined by said bottom surface and by an upper surface which extends from said downstream face wherein said bottom surface and said upper surface form an included angle of about 10 to about 20 degrees.

Claim 4 would be allowable because there is no teaching or suggestion in the prior art of an applicator plate for an adhesive applicator apparatus for a core-making machine which applies adhesive to a web which moves from an upstream direction to a downstream direction, the applicator plate comprising the combination of a top portion, a bottom portion having a bottom surface, a pair of side surfaces, an upstream face which extends generally downwardly to the bottom surface for directing adhesive to the bottom surface, and a downstream face, the bottom surface extending from the upstream face beyond the downstream face and being adapted to

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spread adhesive on a web below the bottom surface, said bottom portion having a narrow wedge-shaped portion which extends in a downstream direction from said downstream face and which is defined by said bottom surface and by an upper surface which extends from said downstream face wherein the wedge shaped portion extends for at least about .03 to about .11 inches from the downstream face and the downstream face extends upwardly from the upper surface at an angle of about 90 degrees.

Claim 10 would be allowable because there is no teaching or suggestion in the prior art of an applicator plate for an adhesive applicator apparatus for a core-making machine which applies adhesive to a web which moves from an upstream direction to a downstream direction, the applicator plate comprising the combination of a top portion, a bottom portion having a bottom surface, a pair of side surfaces, an upstream face which extends generally downwardly to the bottom surface for directing adhesive to the bottom surface, and a downstream face, the bottom surface extending from the upstream face beyond the downstream face and being adapted to spread adhesive on a web below the bottom surface, said bottom portion having a narrow wedge-shaped portion which extends in a downstream direction from said downstream face and which is defined by said bottom surface and by an upper surface which extends from said downstream face wherein the downstream face extends upwardly from the upper surface at an angle of about 90 degrees.

Claim 14 would be allowable because there is no teaching or suggestion in the prior art of an applicator plate for an adhesive applicator apparatus for a core-making machine which applies adhesive to a web which moves from an upstream direction to a downstream direction, the applicator plate comprising the combination of a top portion, a bottom portion having a bottom

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surface, a pair of side surfaces, an upstream face which extends generally downwardly to the bottom surface for directing adhesive to the bottom surface, and a downstream face, the bottom surface extending from the upstream face beyond the downstream face and being adapted to spread adhesive on a web below the bottom surface, said bottom portion having a narrow wedge-shaped portion which extends in a downstream direction from said downstream face and which is defined by said bottom surface and by an upper surface which extends from said downstream face wherein the upstream face has a flat top and side portions and a recessed portion which extends downwardly to the bottom surface whereby adhesive may flow in the recessed portion to the bottom surface.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following patents disclose the state of the art with respect to dies including a wedge or extending member: Zimmer (US 4,943,451) and Keogh et al (US 4,246,335).

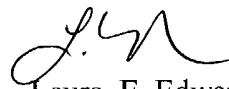
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Laura E. Edwards whose telephone number is (571) 272-1227.

The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Fiorilla can be reached on (571) 272-1187. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Laura E. Edwards
Primary Examiner
Art Unit 1734

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July 21, 2004